UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ROSARIO R. TINA and JESUS G. TINA,

Plaintiffs,

vs.

DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A. AND DSL SERVICE COMPANY,

Defendants.

CASE NO. 08CV1004 BTM (POR)

ORDER TO SHOW CAUSE

On June 18, 2008, Defendants and Rosario R. Tina appeared at a hearing regarding Plaintiffs' request for a temporary restraining order. During this hearing, it came to the Court's attention that (1) Jesus Tina is the only party to the underlying consumer credit transaction; (2) the underlying consumer credit transaction was secured by an investment property rather than Plaintiffs' principal dwelling place; and (3) the bankruptcy trustee was in the process of considering whether it wished to retain or abandon the Truth In Lending Act claims alleged by Plaintiffs.

As set forth on the record and based on the Defendants' voluntary agreement, the Court orders that the foreclosure of Plaintiffs' property be temporarily restrained until July 21, 2008. The Court also issues an Order to Show Cause why this case should not be dismissed for the following reasons: (1) Pursuant to 15 U.S.C. § 1635, the right of rescission only extends to transactions in which a security interest is acquired in a property that is the principal dwelling place of the borrower; (2) Rosario R. Tina lacks standing because she was not a party to the underlying credit transaction; and (3) Plaintiffs lack standing to prosecute these claims because they belong to the bankruptcy trustee.

Parties shall file responses to this Order to Show Cause by July 3, 2008. Defendants need not otherwise respond to Plaintiffs' complaint until a determination on the Order to

Show Cause issues.

IT IS SO ORDERED.

DATED: June 23, 2008

Honorable Barry Ted Moskowitz
United States District Judge